

would be at his side and Mr. Brown notified that he fully understood

Torrance, California
June 4, 1952

MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE CITY COUNCIL OF
THE CITY OF TORRANCE.

The City Council of the City of Torrance convened in an Adjourned Regular Meeting in the Council Chamber of the City Hall on Tuesday, June 4, 1952, at 8:05 P.M., Mayor Schwab presiding.

Those responding to roll call by City Clerk Bartlett were:
COUNCILMEN: Benstead, Blount, Drale, Spelman and Schwab. Also present were City Manager Stevens and City Attorney Hall.

Councilman Benstead led the salute to our Flag.

This being an adjourned regular meeting, Councilman Blount moved the regular order of business be dispensed with. Motion, seconded by Councilman Spelman, carried.

Mayor Schwab announced this was the time for continuing the hearing on the Seaside Heights sewer assessments and called for written communications. There being none, oral communications were called for.

Mr. Robert Reeser, of 5269 Bindewald Road, stated: "I don't think the Council is very well acquainted with the situation we have at Seaside Heights" and, after rather lengthy comments, stated further: "I think the thing to do is have a post ponement of this and come up there and bring the maps of the proposed streets. They have bulldozers working and grading those roads ... I think the only way to really understand this is to come up there and go around ... I don't see why we should pay \$26,000 for something that doesn't even come into our tract at all Discussion continued with the use of maps.

Mayor Schwab advised Mr. Reeser that he had spent quite a bit of time up there last Saturday looking the area over, although he had not gone onto the Dolley property.

Councilman Spelman stated: "I believe our City Attorney has a written opinion on this problem -- would you state it briefly, Mr. Hall?" City Attorney Hall replied: "At this stage, I don't believe you can do anything but close the hearing. This doesn't mean that further consideration cannot be given to the points that I have raised, insofar as it is possible for the City to do so. Inso far as the 1911 Act requirements are concerned, they have been fulfilled -- the work is done -- and I don't believe the City is in position to continue the matter. I think you have to close the hearing and then consider anything that can be done to alleviate the burden on these people."

Mr. Robert E. Florey, 5024 Macafee Road asked: "The way the easement was made over the Dolley property there can be no assessment?" City Attorney Hall replied that that was correct. Mr. Florey then stated that at the last hearing, it was stated when this property was developed, there would be an assessment made. He was advised that such reference was to another tract as the property along the easement could not be assessed.

Councilman Spelman then asked that the City Attorney state his proposals, as submitted to the Council in writing and Mr. Hall read from his memorandum as follows, stating his opinion was based upon the hearing being closed:

"1. The City Council has apparently the authority to pay a portion of the assessment on the theory that such payment would represent the cost of the easement obtained across Mr. Dolley's property. To fully consider this alternative from a cost point of view would necessitate an estimate of what Mr. Dolley's property would have been assessed had it been included within the original assessment.

" 2. It is my understanding that there is an undeveloped parcel of property in the Seaside Heights area which is under consideration for tract development and if such is the case, I believe that the City would have the authority to pass an ordinance declaring that as a health measure this property could not be developed without the installation of sanitary sewers to service the homes to be constructed therein. As a further part of this ordinance, I think it would be reasonable to require that, upon development, the property owner residents in the Seaside Heights area should be reimbursed in proportion to the benefit obtained by the new property for the sewer services which are now in existence. To get some idea of how much this would amount to in dollars and cents would require an engineering study.

"3. It is my understanding that the City has available to it for sewer purposes approximately \$1,000 under a State Act, and this sum can be made available to bear a portion of the assessment."

Mr. Hall stated it was his intention that alternatives 2 and 3 be considered together.

AGA280

Mr. Reeser asked if the residents in Seaside could have a breakdown of the actual cost of the Seaside sewer into Seaside Heights so they would know the difference between that cost and the line as laid through the Dolley property.

There being some question as to why the 10" line was installed, City Manager Stevens, with the use of a map, explained that the minimum size pipe ever laid is 8"; that County Sanitation had requested 12" along a portion of the line to get the proper velocity; and that the Engineering Department had gotten them to compromise on 10" pipe; that such pipe was not installed to service additional areas but to get the proper velocity so that the line would not have to be constantly flushed and maintained; that in return for the granting of the easement, it was agreed that the Dolley property would not be assessed. Mr. Reeser was still not satisfied as to why the line was installed as it was.

Mayor Schwab asked that the matter of the \$65,000 price be clarified and City Manager Stevens stated: "The figure of \$65,885.83 was the basis of awarding the contract. That did not include having to by-pass an easement through two lots that we thought we had" He continued his statement by showing on a map where extra strength and encased pipe was used, etc.,

Mr. Reeser asked how much of an effort was made to obtain an easement from the other property owners and Mr. Patrick replied that they had offered to connect the sewers free of charge Mr. Shanks, of 5112 Macafee Road, stated he had offered an easement for free connection to the sewer, to which Mr. Patrick replied that when he had talked to Mrs. Shanks and the Paces (Shank's neighbor) they had each asked for free assessment, free connection and \$500 cash.

Councilman Spelman moved the hearing be closed and that the changes be made, as equitable as possible to the property owners and the City, as set up by the City Attorney. Motion was seconded by Councilman Blount. Councilman Drale stated that "if we don't have an ordinance before this hearing is closed, we will not be able to assess those people".... City Attorney Hall replied that the hearing could be closed and recommendations made directing him to do certain things; that he could draft an ordinance, but would be unable to tell what it would mean in dollars and cents; that such an ordinance would have to be an urgency measure. In answer to inquiry, Councilman Drale was assured that no subdivision map was before the Planning Commission relative to the property proposed to be assessed under "alternative 2" as submitted by Mr. Hall. To clarify another question of Councilman Drale, Mr. Patrick explained that if a tract map has been recorded, even though construction does not commence for some time, it need not go before the Planning Commission or the Council a second time; if an approved tract is not recorded and construction does not commence within a reasonable time, then it must be resubmitted; that Tract No. 15669, approved approximately a year and a half ago, had been recorded although no construction had taken place.

Mr. James Hunter, of 5028 Macafee Road, asked: "What is the eagerness to close this hearing?" City Attorney Hall replied: "I don't think that the Council can go ahead on an ordinance until it has crystalized what it wants to do and the purpose I have in suggesting that this be closed is so that we can take up what the Council has in mind, No legal action can be taken until the hearing is closed." In answer to inquiry by Councilman Drale, Mr. Hall stated, further, that if the hearing was not closed, eventually the City would have the contractor "on its neck" for the amount of the contract, plus interest, and that in his opinion the City would be liable. He went on to say: "If you close the hearing and then deny all protests, you have ended it; but if you close the hearing and then move to make corrections, you can effect the changes and make up your mind what you want to do".

Discussion returned, rather heatedly, to why the easement was accepted to accomodate the Dolley property; why it didn't take a more direct line. Explanations that the grantors in such an instance "hold the upper hand" and that an easement has to be accepted where the grantor is willing to permit it, did not satisfy Mr. Reeser and one or two others in the audience.

Mayor Schwab stated: "This group of men, including myself, have studied this thing -- we have given time to it -- Mr. Hall and Mr. Stevens have given time to it. We are not trying to put anything over on you folks. All we are trying to do is to get this thing in some order so that we can start and get somewhere. We can argue here every week -- which we are not going to do. ... We are going to do everything we can -- we are only concerned that you get a break. That is what we have all been working on ... "

Mr. Reeser again made his request for a breakdown of the cost into Seaside Heights only, omitting "the rest of the property", by stating "I am trying to divide Seaside Heights from the Dolley-Mayer property."

Mr. Trimmer, of 5257 Bindewald Road, stated that at the last meeting Councilman Spelman had stated the Council had to be careful in not setting a precedent; that he had discussed the matter with his attorney and that they were of the opinion that "it is not a matter of setting a new precedent, it is almost a matter of custom for a City to help develop such an area"; that it was to the City's advantage to have sewers running "that way"; if we could establish how much was used in Seaside Heights, then we could perhaps arrive at a reasonable amount for the City to pay".

AG 1280

Mr. Marchel stated: "I would like to propose that the hearing be closed as a temporary measure and a date set, say a month from now, to give the people a chance to draw specific questions ... and submit them to the Engineering Department to be answered on paper, and mimeographed, and then I think we could get away from this arguing. If you went through the Dolley tract, you went through it because you had to go through it for cost. I assume that on the basis that we have a fair government. If you went through because of graft, we would have to prove it. Those people charged us to go through their property by setting it up as they wanted it. That cost a certain amount of money. ... If your engineer can show me where he made an attempt to judge the cost and brought that against the additional cost of going through here, I am satisfied but just to come through without figuring -- we want to know the facts. ... I think a decision you would make today would not be the break you would give us if you fully understood the entire project and if we fully understood it. I propose this meeting be adjourned to allow us to get the questions to you."

Councilman Spelman's motion carried by the following roll call vote: AYES: COUNCILMEN: Blount, Spelman and Schwab. NAYS: COUNCILMEN: Benstead and Drale.

Councilman Blount then stated: "We have a memorandum dated June 4th from the City Attorney in which he lays out 3 potential ways of travel. I would move that items 2 and 3 be immediately instituted; that the City Attorney be given the authority to request from the Engineering Department of the City and that the Engineering Department be authorized to spend such moneys as necessary to get the information for item 2; that item 3 be applied for immediately." In answer to inquiry he stated: "I am moving that we draw an ordinance stating as item 2 reads; and also giving the City Attorney the authority to get the information from any department of the City he needs; and also giving the Engineering Department the moneys necessary to find out what these costs are so that we can intelligently draw an ordinance. Item 3 is self-explanatory. ... I ignore item 1 because I do not believe the Council should pay out of General Fund money any portion of any tax district, whether it be a sewer, light, or parking district." Motion, seconded by Councilman Spelman, carried unanimously by roll call vote.

At 9:30 P.M., on motion of Councilman Spelman, seconded by Councilman Blount and unanimously carried, meeting adjourned.


CITY CLERK OF THE CITY OF TORRANCE

APPROVED:


MAYOR OF THE CITY OF TORRANCE